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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/761,451  | 01/20/2004  | Dong Yu              | M61.12-0582         | 3046             |
| 27366 7590 02/10/2009<br>WESTMAN CHAMPLIN (MICROSOFT CORPORATION)<br>SUITE 1400<br>900 SECOND AVENUE SOUTH<br>MINNEAPOLIS, MN 55402 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| SHAH, PARAS D   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2626  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 02/10/2009  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/761,451

**Applicant(s)**

YU ET AL.

**Examiner**

PARAS SHAH

**Art Unit**

2626

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 3, 4, 6, 7, 15-19, and 26.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Patrick N. Edouard/  
Supervisory Patent Examiner, Art Unit 2626

/P. S./  
Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: As to claims 17, and 26, the Applicants argue that the combination of Nassiff in view of Hon fail to teach the limitation of "selectively increase a probability associated with an existing pronunciation." Specifically, the Applicants claim that the teachings of Hon is not addressing increasing the probability of a pronunciation but an unrecognized word. The Examiner disagrees by this assertion when viewing the combination of Nassiff in view of Hon, as a whole. Nassiff teaches the modification of a probability associated with an existing pronunciation (see col. 7, lines 55-56). In this specific section Nassiff describes the incorrect recognition of the word step as steep, which results as an error in pronunciation. The user deletes the letter "e", which results in the word step and a different pronunciation results based on the deletion. Since the word is in the alternative list, a language model is updated, and this update is a statistical correction (see col. 6, lines 32-34). The secondary reference of Hon was shown to teach the increase in probability with an existing pronunciation as that of Nassiff. Hon, in col. 9, lines 15-20, a unigram probability is increased so that an unrecognized word is recognized in future attempts. The existing pronunciation in Hon is the unrecognized word that has previously been entered and upon determination of the word in the lexicon, the probability is increased to further recognize the word in the future. Thus, the pronunciation difference is the recognition of the words by the system. The combination of Nassiff in view of Hon teaches the above mentioned limitation.

As to claim 7 (which incorporates dependent claim 14), the Applicants argue that the combination of Nassiff in view of Hon in view of Lewis fail to teach the limitation of "a forced alignment of a wave based on at least one context word." The Examiner respectfully disagrees with this assertion. Lewis, in col. 3, lines 24-31, decision is made as to whether originally dictated text has been replaced. The original audio and baseform of replacement text are compared (See Figure 2). The comparing of baseforms when a change is detected is the forced alignment referred to by the claim limitation. Further, the use of at least context word is disclosed in Lewis by the detection of whether original dictated text has been replaced or not by viewing the adjacent information,

Newly added claim 26 incorporates limitations from claims 7 and 21-23 and are rejected for the same reasons as mentioned above, specifically Nassiff in view of Hon in view of Hoffman.